

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2968 - HB 3276

March 3, 2010

SUMMARY OF BILL: Creates a new Class C felony offense for a person knowingly and unlawfully to manufacture, attempt to manufacture, or initiate the process to manufacture methamphetamine where a child younger than 14 years of age resides or within 200 feet of any such residence. Requires a mandatory minimum sentence of six years to be served consecutively to any other offense.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$32,001,900/Incarceration*

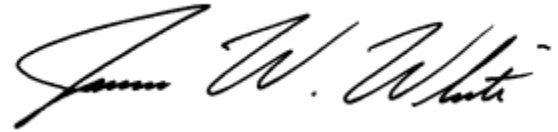
Assumptions:

- According to the Department of Children's Services (DCS), there has been an average of 260 cases in each of the past two years where a child less than 13 was present during the manufacture of methamphetamine. According to DCS, revising the age group to less than 14 will have a minimal impact on the number of children taken into state custody.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in 27 additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 287 offenders.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86. Eighty-five percent of the mandatory minimum sentence to be served consecutively to any other sentence is 5.1 years (6.0 years x 80%). The cost per offender at 5.1 years is \$111,504.81 (\$59.86 x 1,862.76 days). The total additional operating cost for 287 offenders is \$32,001,880.47 (\$111,504.81 x 287).
- According to the District Attorneys General Conference (DAGC), methamphetamine cases are already being prosecuted and any increase in the caseload for the DAGC can be accommodated within existing resources without an increased appropriation.
- Any impact to the state trial courts can be accommodated within existing judicial resources without an increased appropriation.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/lsc